IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

Bail Appl..No. 122 of 2007()

CMP.3659/2006 of J.M.F.C.-II,HOSDRUG
CRIME NO.162/06 OF CHITTARIKKAL POLICE STATION.

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: PETITIONER/ACCUSED NO.1

BIBU PETER, S/O. PETER,
MULLAPPALLIL, RAJAGIRI, KANNAMVAYAL,
PULINGOME VILLAGE.

BY ADV. SRI.M.THAMBAN

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 122 OF 2007

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DATED THIS THE 11th DAY OF JANUARY, 2007

O R D E R

Petitioner who is the first accused in Crime No.162/06 of Chittarikkal Police Station for offences punishable under sections 8(1) and 8(2) of the Abkari Act for allegedly transported 30 litres of arrack in three jerry cans in a Maruthi car on 23.12.2006, and who was arrested on the same day, seeks his enlargement on bail.

2. Learned Public Prosecutor opposed the application.

3. It is too early to accept the petitioner's contention that he was only the driver and the cans which were seized from the Maruthi car really belong to two passengers who had made good their escape on seeing the Police party.

4. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec.41 A of the Abkari Act are present in this case so as to justify the release of the petitioner on bail.

This application is accordingly dismissed.

V.RAMKUMAR, JUDGE.

dsn/-